

in order to take up House bill No. 186, "An act to incorporate the town of Gainesville, in Cooke county." The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed.

On motion of Senator Latimer, the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, February 15, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Sayers presented the memorial of the police court of Austin county against the formation of a new county out of the territory of Austin county. Read and referred to the Committee on Counties and County Boundaries.

Senator Finlay presented the memorial of G. D. Gay, protesting against the removal of the county site from Montgomery. Referred to the Committee on Counties and County Boundaries.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 95, entitled "An act for the relief of Luke G. Lea," beg leave to report that they have carefully and diligently inquired into the merits of said claims, upon which said act is based, and unanimously recommend that it do pass.

W. H. SWIFT, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills have the honor to report that they have carefully examined Senate joint resolution No. 11, entitled "Joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks," and find it correctly enrolled.

H. R. LATIMER, Chairman.

Senator Word introduced a bill to be entitled "An act

to amend an act entitled an act to reduce into one and amend the several acts concerning executions, passed January 27, 1842." Read first time and referred to Judiciary Committee No. 1.

Senator Ford introduced a bill for the relief of the heirs of Anthony McGee. Read first time and referred to Committee on Private Land Claims.

Senator Dohoney introduced a bill to be entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas." Read first time and referred to Judiciary Committee No. 1.

Senator Dillard introduced a bill to be entitled "An act to aid in the construction of the Atlantic and Pacific Railroad and Telegraph Line." Read first time and referred to the Committee on Internal Improvements, and one hundred copies ordered printed for the use of the Senate.

Senator Saylor introduced a bill to be entitled "An act to create a new land district." Read first time and referred to the Committee on Public Lands.

Senator Swift introduced a bill to be entitled "An act for the relief of Joseph Hoya." Read first time and referred to the Committee on Claims and Accounts.

Senator Shelley introduced a bill to be entitled "An act for the relief of James S. Patterson." Read first time and referred to the Committee on Private Land Claims.

Senate bill No. 42, "An act conferring the right of suffrage upon such foreign residents as may have heretofore declared their intention to become citizens before the clerks of the district courts of the several counties in vacation," was read third time and passed.

A message was received from the House, informing the Senate that the House had passed the following House bills, viz:

No. 38, "An act to incorporate the Falls County Real Estate and Savings Association."

No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors in two miles of Pleasant Grove Academy, in Hunt county."

No. 92, "An act to amend an act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871."

No. 94, "An act for the relief of the heirs of George W. Miller, deceased."

No. 95, "An act for the relief of Mrs. Caroline A. Stevens."

No. 102, "An act to amend an act entitled an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856."

Senate joint resolution No. 14, "Instructing our Senators and requesting our members in the Congress of the United States to urge the opening of the Indian country north of Texas to settlement," was taken up.

Senator Cole moved that the resolution be made special order for Saturday next, at 11 o'clock, and from day to day until disposed of.

Senator Dohoney moved a call of the Senate. Call sustained.

Absent, not excused—Senators Gaines, Flanagan, Rawson, Randle and Tracy.

On motion of Senator Fountain the call was suspended.

The motion made by Senator Cole was then adopted.

Senate bill No. 28, "An act for the benefit of actual occupants of the public lands," was read third time and passed.

Senate bill No. 85, "An act concerning proceedings in the district courts," was read third time and passed.

Senate bill No. 72, "An act for the relief of Bertha Staffel," was read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Ford, Finlay, Flanagan, Fountain, Franks, Hall, King, Latimer, Ruby, Saylor, Sayers, Swift, Tracy, Word and Mr. President—19.

Nays—Senators Dohoney, Henry and Shelley—3.

Senate bill No. 69, "An act to expedite the decision of criminal cases by the Supreme Court," was read third time and passed.

Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company," was read third time.

Senator Ball offered the following amendment: After "Austin," in section eight, line eight, strike out all down to the word "counties," in line eleven, and insert as follows: "thence by the shortest practicable route to the town of Weatherford, in Parker county, intersecting with the Texas Pacific Railway within one-half mile of the public square of the town of Weatherford; *provided*,

that should the Texas Pacific Railway Company not make a depot within the corporate limits of said town, then said company shall have the privilege of making junction with said Texas Pacific Railway at any point five miles east or west of said town, together with such turnouts, branches, sidings and extensions as the company may deem it to their interest to own, equip and maintain, with authority to construct, own and maintain, in connection with said railway, a telegraph line along the route thereof."

The amendment was adopted by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Hall, Henry, King, Latimer, Ruby, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—21.

Senator Ball also offered the following amendment: Strike out "Lampasas" in the caption and wherever it occurs in the body of the bill, and insert "Parker county."

The amendment was adopted by the following vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Ruby, Saylor, Sayers, Swift, Tracy, Word and Mr. President—22.

Senator Flanagan offered the following amendment :

Strike out all of section eleven after the word "same," in twenty-seventh line.

The amendment was adopted by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, Latimer, Ruby, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—22.

The bill as amended was then passed by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Ruby, Saylor, Sayers, Shelley, Swift, Word and Mr. President—22.

Senate bill No. 12, "An act to amend section one of an act entitled an act to provide for appeals from interlocutory judgments in the district courts of the State, approved November 1, 1871," was read third time and substituted.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: The joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks, was presented to the Executive for approval at 11:30 o'clock A. M. this day.

H. R. LATIMER, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred the memorial of Julius Quast, asking payment of a pay certificate, have duly considered the evidence presented in the same, and have instructed me to report the memorial back to the Senate with the recommendation that it be received and the prayer of the memorialist be granted.

W. H. SWIFT, Chairman.

On motion of Senator Flanagan, the memorial was re-committed.

Senate bill No. 51, "An act for the relief of sureties upon official bonds," together with substitute, was read.

Senator Franks moved to amend by striking out the words "not less than ten days previous to the filing of said application." The amendment was adopted.

Senator Henry moved to amend by striking out the words "from the date of the filing of written application therefor," and insert in lieu thereof "from the date of approval of a new bond."

Pending the consideration of Senator Henry's amendment, on motion of Senator Flanagan, the Senate adjourned.

SENATE CHAMBER,)
AUSTIN, TEXAS, February 17, 1873.)

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of Saturday read, and on motion of Senator Sayers, corrected to read as follows:

After "Austin" in section eight, line six, strike out all down to the word "provided" in line fifteen.